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CITY AND COUNTY OF SAN FRANCISCO
AND GEORGE BUTTERWORTH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN TENNISON,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, SAN FRANCISCO POLICE
DEPARTMENT, EARL SANDERS,
NAPOLEON HENDRIX AND GEORGE
BUTTERWORTH,

Defendants.

Case No. C 04-0574 CW

**STIPULATION AND PROPOSED
ORDER AMENDING
CONFIDENTIALITY PROTECTIVE
ORDER**

RECITAL

On January 13, 2005, the Court entered a confidentiality protective order (docket number 67). The order provides certain protections to Office of Citizen Complaints ("OCC") files and prison records. The stipulation provides, at paragraph 2:

2. Defendants agreed to produce, subject to a stipulated protective order, records of the San Francisco Police Department and Office of Citizen Complaint (a) concerning Sanders and Hendrix; and (b) relating to any acts of evidence suppression or fabrication and/or witness tampering taking place within the time frame set by Magistrate Judge Chen in this action of five years prior to the commencement of the Shannon murder investigation to five years after the close of the prosecution, or 1984 through 1996. Further, Defendants have requested that Plaintiffs produce confidential records of the State of California and various of its agencies that relate to Plaintiffs' imprisonment. The records described in this paragraph are hereinafter referred to as "CONFIDENTIAL INFORMATION."

The Court recently ordered the City to produce certain Management Control Division ("MCD") files for Defendant Earl Sanders, and the City complied with that order. MCD files, like OCC files, consist of complaints to the police department about the conduct of an officer, and like OCC files, the City treats MCD files as confidential personnel files. The parties agree to include MCD files under the terms of the January 13, 2005, protective order.

STIPULATION

The parties agree and stipulate, subject to the Court's approval, that paragraph 2 of the January 13, 2005, confidentiality protective order be amended as follows:

2. Defendants agreed to produce, subject to a stipulated protective order, records of the San Francisco Police Department and Office of Citizen Complaint (a) concerning Sanders and Hendrix; and (b) relating to any acts of evidence suppression or fabrication and/or witness tampering taking place within the time frame set by Magistrate Judge Chen in this action of five years prior to the commencement of the Shannon murder investigation to five years after the close of the prosecution, or 1984 through 1996. Further, Defendants have requested that Plaintiffs produce confidential records of the State of California and various of its agencies that relate to Plaintiffs' imprisonment. The records described in this paragraph are hereinafter referred to as "CONFIDENTIAL INFORMATION." "CONFIDENTIAL INFORMATION" also shall include records from the San Francisco Police Department's Management Control Division, including without limitation the following documents already produced by the City: SFPD 1928 through SFPD 2240. Nothing in this Stipulation shall restrict any party from requesting that the Court declare that any document produced under this Protective Order as

1 "CONFIDENTIAL INFORMATION" lose such protection and be used in
2 open court, including (but not limited to) at any motion hearing or at trial.

3 Dated: 8/19/05

4 DENNIS J. HERRERA
5 City Attorney
6 JOANNE HOEPER
7 Chief Trial Deputy
8 EVAN H. ACKIRON
9 SCOTT D. WIENER
10 SHERRI SOKELAND KAISER
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12 By: 

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15 CITY AND COUNTY OF SAN FRANCISCO and
16 GEORGE BUTTERWORTH

17 Dated: 8/19/05

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20 By: 

21 JAMES QUADRA
22 Attorneys for Defendants EARL SANDERS and
23 NAPOLEON HENDRIX

24 Dated: 8/12/05

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1 JOHN HOUSTON SCOTT, ESQ.
2 THE SCOTT LAW FIRM

3 By: 
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5 Attorneys for Plaintiff ANTOINE GOFF

6 **ORDER**

7 GOOD CAUSE appearing, it is HEREBY ORDERED that the Court's January 13, 2005,
8 confidentiality protective order is modified pursuant to the terms of the foregoing stipulation.

9 IT IS SO ORDERED.

10 Dated: August 23, 2005

11 THE HONORABLE
12 UNITED STATES M

